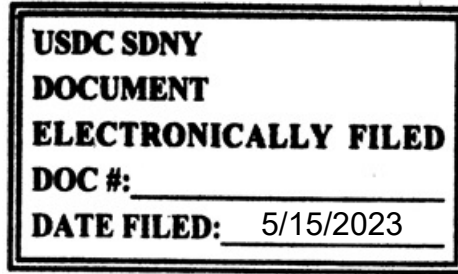


5028 WISCONSIN AVE., NW  
SUITE 100  
WASHINGTON, D.C. 20016  
202.441.0245  
215.238.1779 (FAX)  
[www.theaxelrodfirm.com](http://www.theaxelrodfirm.com)



Sheryl L. Axelrod \*

Lisa J. Savitt #

Debora A. O'Neill \*

\* Member PA and NJ Bars  
# Member DC, PA, and NY Bars

[lsavitt@theaxelrodfirm.com](mailto:lsavitt@theaxelrodfirm.com)

May 10, 2023

**VIA ECF**

Honorable Robert W. Lehrburger  
United States Magistrate Judge  
500 Pearl Street, Room 1960  
United States Courthouse  
New York, NY 10007

Re: *Vallair Solutions SARL v. 321 Precision Conversions LLC*  
No. 1:21-cv-07507-CM

Dear Magistrate Judge Lehrburger:

Plaintiff Vallair Solutions SARL (“Vallair”), hereby requests guidance regarding the Order dated May 8, 2023 (Dkt. 134), including: 1) clarification as to whether the Order prohibits review of EFW unredacted documents by in-house counsel of defendant 321 Precision Conversions LLC (“Precision”) who is intimately involved on the business side of Precision’s operations; and 2) confirming that only Precision’s litigation counsel of record, as opposed to outside Precision lawyers who advise Precision as to the A321 conversion business, can view the documents. We explain below why this clarification is needed.

**Requests for Clarification**

A. As to Ms. Dereiko

The Order dated May 8, 2023 provides that “Vallair may designate for disclosure to outside counsel eyes only (‘AEO’) material that is of a competitively sensitive nature to EFW vis-a-vis Precision. Materials designated AEO may be used by Precision's outside counsel as exhibits with Vallair deponents, in which case any in-house representative of Precision present for the deposition shall be excluded from the room for the relevant questioning, and any deposition questions and answers addressing AEO material shall also be deemed AEO.” (Dkt. 134).

The Stipulated Confidentiality and Protective Order in this case (Dkt. 37) provides that documents designated as Attorneys’ Eyes Only may be shared with “one designated member of in-house general counsel staff of the non-individual PARTY receiving the information who is not involved in competitive decision-making.” Tamra Dereiko is the Executive Vice-President of Erickson Group, a party related to defendant Precision (see Second Amended Complaint, Dkt. 55, ¶ 2), and Precision has asserted claims of privilege as to certain communications to and from Ms. Dereiko by Precision. We understand that Ms. Dereiko is intimately involved on the business side of Precision’s operations. We therefore seek

Hon. Robert W. Lehrburger

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clarification that Ms. Dereiko should not be permitted, for purposes of the topic of this Order, to review EFW documents provided by Vallair.

B. As to the Tucker Ellis firm

On April 29, 2023, Precision produced a privilege log of 106 pages detailing almost 1,700 entries. From review of this privilege log, we learned for the first time that Tod Northman, an attorney at the Tucker Ellis firm who was involved with the 2017 negotiations of the Agreements in this case, and who is not one of the counsel of record in this matter, is still involved with providing advice to Precision on Precision's A321 conversion program. We therefore seek a further Order prohibiting counsel of record in this case from sharing documents or information learned from EFW documents with Mr. Northman or anyone else at Tucker Ellis who provides advice relating to Precision's A321 conversion program. We hope that the Tucker Ellis firm has had in place a wall with respect to the issues in this case and any lawyers who provide business and legal advice to Precision as to the A321 conversion program, and would request that they immediately confirm so. We also believe this should apply to Precision's co-counsel Paul George of the Lane Powell firm, and all in the Lane Powell firm, should he or anyone in the Lane Powell firm have a relationship with Precision or related third parties ATSG and CAM in which they are advising Precision, ATSG or CAM with respect to the A321 conversion program.

Basis for Seeking Clarification

Vallair respectfully requests that Precision be prohibited from showing EFW documents marked as outside counsel eyes only ("AEO") to Ms. Dereiko and non-litigation attorneys from Tucker Ellis and other firms for the same reasons Your Honor ruled that Vallair could mark them not to be shown to those beyond Precision's outside counsel: because they are of a competitively sensitive nature to EFW vis-a-vis Precision. As Your Honor may recall, EFW is the **only** competitor of Precision for the A321 conversion market. EFW does not want its proprietary information in the hands of its competitor.

Very truly yours,

THE AXELROD FIRM, PC

/s/ Lisa J. Savitt


LISA J. SAVITT, ESQUIRE

cc: Counsel of record via ECF

With respect to the Court's order dated May 8, 2023 (Dkt. 134) concerning EFW documents, and based on Defendant Precision's response at Dkt. 140, Precision shall not disclose EFW documents or information from those documents to Ms. Dereiko, anyone at the Lane Powell firm, or Mr. Northman, as well as anyone else at Tucker Ellis who is not counsel of record for this litigation and provides legal advice to Precision about its A321 conversion program.

SO ORDERED:

5/15/2023

  
HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE